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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION

5 EQUAL EMPLOYMENT OPPORTUNITY )  
6 COMMISSION, )  
7 Plaintiff, )  
8 vs. ) No. 14-cv-6553  
9 COSTCO WHOLESALE CORPORATION, )  
Defendant. )

12 DEPOSITION UPON ORAL EXAMINATION  
13 OF  
14 MICHELE HUGHES

17 9:25 A.M.  
18 JUNE 17, 2015  
19 909 FIRST AVENUE, SUITE 400  
20 SEATTLE, WASHINGTON



25 REPORTED BY: LESLIE POST, CCR No. 2378

<p>1       A.   She was a personnel specialist. Those are 2   the people that, you know, people call them from the 3   buildings with questions.</p> <p>4       Q.   Do you know what her current position is?</p> <p>5       A.   She works in some department, I don't know 6   what it's called. We're implementing a new payroll 7   system and so she helps train, things like that.</p> <p>8       Q.   What is your understanding as to why you 9   were contacted by Sophia, if it was Sophia that 10   initially contacted you?</p> <p>11       MR. WYBENGA: Objection, calls for 12   speculation.</p> <p>13       You can answer.</p> <p>14       A.   I think -- and this is I'm kind of piecing 15   this all together by looking at the documents, it's 16   been awhile. I think at the time they thought that 17   the employee Dawn had a restraining order, so they 18   were calling for advice about what to do with that.</p> <p>19       Q.   (By Mr. Mrizek) What did you do after being 20   contacted about Ms. Suppo regarding Ms. Suppo?</p> <p>21       MR. WYBENGA: Again, I would restate my 22   objection on attorney-client privilege and not talk 23   about legal advice you gave to your clients.</p> <p>24       You can answer the question.</p> <p>25       THE WITNESS: I think I gave them legal</p>	<p>Page 14</p> <p>1       A.   At some point I talked to the dad.</p> <p>4       Q.   Marty Suppo?</p> <p>5       A.   Yes.</p> <p>6       Q.   How did you come to speak with the dad?</p> <p>7       A.   I don't remember. What I think happened is 8   that he was transferred to me.</p> <p>9       Q.   So you believe that he contacted someone 10   else in the organization and that person referred -- 11   either transferred the call or referred him to you?</p> <p>12       A.   Yes.</p> <p>13       Q.   And do you recall what Mr. Suppo told you?</p> <p>14       A.   Well, he was yelling.</p> <p>15       Q.   How many times did you speak to Mr. Suppo?</p> <p>16       A.   Once, I think. I think only once.</p> <p>17       Q.   Do you recall the approximate date of that 18   conversation?</p> <p>19       A.   No.</p> <p>20       Q.   Do you recall what he told you?</p> <p>21       A.   He was saying that his daughter was -- that 22   a member, which is a customer, was stalking his 23   daughter. I don't know if he used the word "stalk," 24   but he was -- you know, he was saying that this person 25   was bothering his daughter. I think he said stalking.</p>
<p>1       A.   advice.</p> <p>2       MR. WYBENGA: I will instruct you not to 3   answer what legal advice you gave.</p> <p>4       Q.   (By Mr. Mrizek) What was the subject matter 5   of the legal advice you provided? I'm not asking for 6   the legal advice, just the subject matter.</p> <p>7       A.   Sure. About the restraining order.</p> <p>8       Q.   And besides providing advice regarding the 9   restraining order, did you do anything else with 10   respect to Ms. Suppo's situation?</p> <p>11       Let me rephrase that.</p> <p>12       A.   Okay.</p> <p>13       Q.   As background, if you don't understand a 14   question, let me know. I don't want you to answer 15   questions that are unclear or convoluted, which may 16   happen.</p> <p>17       A.   Okay.</p> <p>18       Q.   You said you got a contact in September of 19   2011 regarding Ms. Suppo, correct?</p> <p>20       A.   Yes.</p> <p>21       Q.   And you believe what you did in response to 22   that contact was provide legal advice regarding the 23   restraining order, correct?</p> <p>24       A.   Yes.</p> <p>25       Q.   Did you do anything else after that initial</p>	<p>Page 15</p> <p>Page 17</p> <p>1       Q.   What did you say in response?</p> <p>2       A.   Well, I think I -- I'm going to tell you I 3   don't remember. I think I asked for the restraining 4   order. I don't know whether he was telling me he had 5   a restraining order. At some point I learned about 6   the restraining order and I think I learned about it 7   before I spoke with him, I think.</p> <p>8       Q.   Anything else you recall telling him in 9   response -- during that conversation?</p> <p>10       A.   No. It's unusual to talk to somebody's dad.</p> <p>11       Q.   Do you recall anything else that he said to 12   you during that phone conversation?</p> <p>13       A.   No.</p> <p>14       Q.   Did you take any notes from that phone 15   conversation?</p> <p>16       A.   No.</p> <p>17       Q.   Did you follow up with anyone at Costco 18   regarding that conversation?</p> <p>19       A.   Well, at some point he sent me something -- 20   he sent me paperwork.</p> <p>21       Q.   And was that via email?</p> <p>22       A.   Yes. And so I think I would have sent -- I 23   don't remember. I think I would have sent that to HR, 24   I think.</p> <p>25       Q.   Did you have any conversations with anyone</p>

<p>1    provided.</p> <p>2    A.    Okay.</p> <p>3    Q.    Have you had a chance to review this</p> <p>4    document?</p> <p>5    A.    Yes.</p> <p>6    Q.    What is this document?</p> <p>7    A.    This is -- these are pages from our employee</p> <p>8    agreement. These are some of our policies.</p> <p>9    Q.    On the third page, it provide examples of</p> <p>10   what could be sexual harassment.</p> <p>11   A.    Yes.</p> <p>12   Q.    Does "stalking" mean anything to you?</p> <p>13   A.    Stalking is criminal and scary.</p> <p>14   Q.    Define "stalking" in your terms, the way you</p> <p>15   believe it means to you.</p> <p>16   A.    Stalking would be repeated contact with a</p> <p>17   person who doesn't want contact.</p> <p>18   Q.    Stalking, as you understand it, would that</p> <p>19   be a violation of Costco's internal anti-harassment</p> <p>20   policy?</p> <p>21        MS. FOLEY: Object to the extent it calls</p> <p>22   for a legal conclusion.</p> <p>23        MR. WYBENGA: Yeah, no legal conclusions.</p> <p>24   You can answer about the policy, which is the</p> <p>25   question.</p>	<p>Page 50</p>	<p>1    as to "policy" and "addressed."</p> <p>2           Answer, if you can.</p> <p>3    A.    Are you talking about a sexual harassment</p> <p>4    policy?</p> <p>5    Q.    (By Mr. Mrizek) Sure. Something that would</p> <p>6    potentially provoke a problem with the sexual</p> <p>7    harassment policy, how under Costco's practice and</p> <p>8    policies would that be addressed?</p> <p>9    A.    Well, it could be addressed a number of</p> <p>10   ways. One way would be to contact HR. One way would</p> <p>11   be for the building to look into the situation on</p> <p>12   their own. They should take it seriously and they</p> <p>13   should get back to the person who made the complaint.</p> <p>14   Q.    Is there any -- you mentioned it can be</p> <p>15   dealt with by HR or dealt with by the building on its</p> <p>16   own.</p> <p>17   A.    Yes.</p> <p>18   Q.    Any guidance as to which path should be</p> <p>19   taken?</p> <p>20   A.    No. There's -- the buildings are trained.</p> <p>21   I mean, the GMs are trained and the assistant managers</p> <p>22   are trained on how to handle these situations.</p> <p>23   Sometimes, depending upon what the complaint is, I</p> <p>24   mean, if somebody was saying that their warehouse</p> <p>25   manager was sexually harassing them, then the</p>	<p>Page 52</p>
<p>1    A.    It would violate the policy in a number of</p> <p>2    ways.</p> <p>3    Q.    (By Mr. Mrizek) Would unwelcome, repeated</p> <p>4    requests for dates be a violation of Costco's internal</p> <p>5    anti-harassment policy?</p> <p>6        MR. WYBENGA: Objection, incomplete</p> <p>7    hypothetical.</p> <p>8        You can answer, if you can.</p> <p>9    A.    It could be.</p> <p>10   Q.    (By Mr. Mrizek) And would unwelcome touching</p> <p>11   be a violation of Costco's anti-harassment policy?</p> <p>12   A.    It could be.</p> <p>13   Q.    What about unwelcome staring, would</p> <p>14   unwelcome staring be a violation of Costco's</p> <p>15   anti-harassment policy?</p> <p>16   A.    It could be.</p> <p>17   Q.    To whom may employees raise complaints of</p> <p>18   violations of the policy under Costco's policies?</p> <p>19   A.    Anybody. We have an open-door policy, so</p> <p>20   they can talk to a supervisor, they can talk to their</p> <p>21   GM, they can call the president, he answers his own</p> <p>22   phone, HR.</p> <p>23   Q.    What is Costco's policy as to how any</p> <p>24   complaints should be addressed?</p> <p>25        MR. WYBENGA: Objection, vague and ambiguous</p>	<p>Page 51</p>	<p>1    warehouse manager shouldn't be doing the</p> <p>2    investigation. So it just depends.</p> <p>3    Q.    And if either it was dealt with at the</p> <p>4    building level or at the HR level, what kind of</p> <p>5    response should be taken by the company to something</p> <p>6    that -- an issue raised by the sexual harassment</p> <p>7    policy?</p> <p>8        MR. WYBENGA: Objection, incomplete</p> <p>9    hypothetical, vague and ambiguous as to "response."</p> <p>10        You can answer.</p> <p>11        A.    They should look into it.</p> <p>12   Q.    (By Mr. Mrizek) Does Costco's policy</p> <p>13   instruct how an issue should be looked into?</p> <p>14        MR. WYBENGA: Objection, vague and ambiguous</p> <p>15   as to "policy," the document speaks for itself.</p> <p>16        You can answer.</p> <p>17        A.    I think it gives general guidance. Each</p> <p>18   situation is different and there's all different</p> <p>19   levels of allegations, things that can happen.</p> <p>20        But as a base point, if somebody complains</p> <p>21   about anything really, even not just sexual</p> <p>22   harassment, it should -- they should look at the</p> <p>23   allegation and determine, the best they can, if it's</p> <p>24   true or not and make sure that the person is safe and</p> <p>25   feels like they've been heard and then they should get</p>	<p>Page 53</p>